

Introduced by Senator Denham

(Coauthors: Assembly Members Aghazarian and Cogdill)

February 22, 2005

An act to amend Section 17075.10 of the Education Code, relating to school facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 813, as introduced, Denham. School facilities: hardship assistance.

Existing law permits a school district to apply for hardship assistance in cases of extraordinary circumstances and requires the school district, in certain cases, to demonstrate that due to unusual circumstances that are beyond the control of the district, excessive costs need to be incurred in the construction of school facilities.

This bill would specify that unusual circumstances may include substantial discrepancies between the apportionments made by the board and the bids received by the school district, if certain conditions apply. The bill would, in addition, permit the board to grant a supplemental apportionment to accommodate excessive costs relating to unusual circumstances, with certain requirements.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 17075.10 of the Education Code is
- 2 amended to read:
- 3 17075.10. (a) A school district may apply for hardship
- 4 assistance in cases of extraordinary circumstances.

1 (b) A school district applying for hardship state funding under
2 this article shall comply with either paragraph (1) or (2).

3 (1) Demonstrate both of the following:

4 (A) That due to extreme financial, disaster-related, or other
5 hardship the school district has unmet need for pupil housing.

6 (B) That the school district is not financially capable of
7 providing the matching funds otherwise required for state
8 participation, that the district has made all reasonable efforts to
9 impose all levels of local debt capacity and development fees,
10 and that the school district is, therefore, unable to participate in
11 the program pursuant to this chapter except as set forth in this
12 article.

13 (2) Demonstrate that due to unusual circumstances that are
14 beyond the control of the district, excessive costs need to be
15 incurred in the construction of school facilities. *Unusual*
16 *circumstances may include, but are not limited to, substantial*
17 *discrepancies between the apportionments made by the board*
18 *and the bids received by the school district that cause the district*
19 *to take one or both of the following actions:*

20 (A) *Eliminate essential facilities from the new construction or*
21 *modernization project.*

22 (B) *Abandon plans for the new construction or modernization*
23 *project that have been approved by the department and the*
24 *Department of General Services.*

25 (c) (1) The board shall review the increased costs that may be
26 uniquely associated with urban construction and shall adjust the
27 per-pupil grant for new construction, or modernization, hardship
28 applications as necessary to accommodate those costs.

29 (2) *With regard to a school district that meets the*
30 *requirements of paragraph (2) of subdivision (b), the board shall*
31 *review those unusual circumstances and may, notwithstanding*
32 *the grant of a full and final apportionment for new construction*
33 *or modernization, grant a supplemental apportionment to*
34 *accommodate excessive costs relating to those unusual*
35 *circumstances.*

36 (3) The board shall adopt regulations setting forth the
37 standards, methodology, and a schedule of allowable
38 adjustments, for the urban adjustment factor established pursuant
39 to this subdivision.

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